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463 FOREIGN SERVICE BOARDS

463.1 Authority

Sections 302(a), 303, 306, 405, 406, 601-608, and 612 of the Foreign Service Act of 1980, as amended

463.2 Objective

- * This chapter is applicable to all U.S. citizen Foreign Service (FS) and Senior Foreign Service (SFS) employees of USAID appointed under the Foreign Service Act of 1980, as amended, including employees assigned outside of the Agency who have reemployment rights to USAID **and Civil Service (CS) employees who rate or review FS employees' performance as Rating Officials or members of Appraisal Committees.** This chapter is not applicable to **Non-career FS employees, Resident Hire employees,** Foreign Service Nationals (FSNs), or Personal Service Contractors (PSCs).
- * This chapter establishes the policies, procedures, and guidelines for USAID's Foreign Service Boards: the **Performance** and the Performance Standards Boards. **(See Mandatory References, Precepts for Foreign Service Performance Boards and Precepts for the Performance Standards Board)**

463.3 Responsibility

1. **Performance Boards**
 - * **Performance Boards** are responsible for reviewing **Performance Evaluation Files (PEFs) and making decisions concerning performance, promotion, limited career extensions, performance pay, Presidential Rank Awards, and referrals to the Performance Standards Board.** Performance Boards are responsible for issuing advisory or critical letters to Rating Officials and/or Appraisal Committee members. **(See Mandatory References, Sections 601, 602, 405 of the Foreign Service Act of 1980, as amended and Precepts for Foreign Service Performance Boards)**
2. **Performance Standards Board (PSB)**
 - * The Performance Standards Board is responsible for reviewing **the PEF of each employee referred by Performance Boards and determining whether the employee has met or failed to meet the standards of the class.** **(See Mandatory Reference, Precepts for the Performance Standards Board)**

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3. Bureau for Management, Office of Human Resources, **the Deputy Assistant Administrator for Human Resources (DAA/M/HR)** is responsible for the following:

- a) Formulating employee evaluation policies; overseeing administration of the evaluation program; reviewing adequacy of evaluation procedures and guidelines; receiving feedback from employees, supervisors, managers, Appraisal Committees, and Performance Boards; and modifying the evaluation program as appropriate.
- b) Exercising authority to make exceptions to policies, except those prohibited by law and negotiated agreement, hold actions in abeyance or waive actions based on the needs of the Agency and in accordance with this chapter.
- c) **Informing employees in writing of the specific date of separation when three Performance Standards Boards within a five year period find that career employees have not met the standards of the class, or when one Performance Standards Board finds that career candidates have not met the standards of the class.**

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4. Bureau for Management, Office of Human Resources, **Labor and Employee Relations and Performance Management Division (M/HR/LERPM)** is responsible for the following:

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a) **Negotiating with the exclusive representative, American Foreign Service Association (AFSA), Precepts and other requirements for all boards or panels established for the purpose of evaluating Foreign Service personnel;**

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b) **Establishing Performance Boards and the Performance Standards Board, except the Senior Consolidated Performance Board (C/Board);**

1. Identifying the membership of FS **Performance** Boards and the Performance Standards Board, except the C/Board;

2. Monitoring the operations of assigned Boards and providing advice and staff assistance to Board activities and members.

- * 5. The Bureau for Management, Office of Human Resources,
Executive Management Staff (M/HR/EM) is responsible for the following:
- * a) **Establishing the Foreign Service Senior Consolidated Performance Board (C/Board)**
- * 1. **Identifying the membership of the C/Board.**
- * 2. **Monitoring the operations of the C/Board and providing advice and staff assistance to Board activities and members.**
- * b) **Determining Senior Foreign Service employees' eligibility for promotion.**
- * c) **Implementing the recommendations of the C/Board according to Section 605 of the Foreign Service Act of 1980, as amended, after final promotion decisions have been completed.**
- * d) **Providing Senior Foreign Service employees with Ranking Reports.**
- * e) **Granting salary level increases to Senior Foreign Service employees who meet the standards of the class.**
- * f) **Informing, in writing, Senior Foreign Service employees who did not meet the standards of the class that they shall not be advanced to the next higher salary step in their class.**
- * g) **Making tenure decisions according to Performance Board findings.**
- * 6. The Bureau for Management, Office of Human Resources,
Personnel Operations Division (M/HR/POD) is responsible for the following:
- * a) **Determining the eligibility for promotion of employees at FS-1 and below.**
- * b) **Providing Ranking Reports to employees FS-1 and below.**

- * c) **Implementing the recommendations of the Performance Boards according to Section 605 of the Foreign Service Act of 1980, as amended, after final promotion decisions have been completed.**
- * d) **Granting within-grade increases to employees FS-01 and below who meet the standards of the class.**
- * e) **Informing in writing employees FS-01 and below who did not meet the standards of the class that they shall not be advanced to the next higher salary step in their class.**
- * f) **Making tenure decisions according to Performance Board findings.**

7. Special Review Board

- * **The Special Review Board is responsible for reviewing the appeals submitted by employees who have been designated for mandatory retirement based on performance, except in cases where an employee has already filed a grievance under 3 FAM 4400, The Foreign Service Grievance System. (See [Supplementary Reference Special Review Boards and 3 FAM 4400](#))**

463.4 Definitions (See GLOSSARY)

- * **Advisory Letter**
- * **Annual Evaluation Form**
- Annual Rating Cycle
- Appraisal Committee
- * **[Removed term: Appraisal Committee Representative]**
- * **[Removed term: Core Values]**
- * **Critical Letter**
- [Removed term: Feedback]**
- [Removed term: Interim Evaluation]**
- * **Mandatory Retirement Based on Performance**
- * **[Removed term: Pay Level Adjustments]**
- Performance Awards
- * **[Removed term: Performance Based Performance-Out]**
- * **[Removed term: Performance Measure]**
- * **[Removed term: Progress Review]**
- * **[Removed term: Rating of Record (Civil Service)]**
- * **Skills Matrix**
- * **Standards of the Class**
- Tenure

- * **[Removed term: Three Hundred Sixty Sources (360)]**
- * Within Class Increase
- * Work Objectives

463.5 POLICY

The statements contained within the .5 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

463.5.1 FOREIGN SERVICE PERFORMANCE BOARDS - COVERAGE

- * **These policies and procedures apply to Foreign Service and Senior Foreign Service** employees who have received career or career candidate appointments under Sections **302 (a) or 303** of the Foreign Service Act of 1980, as amended, **whether in duty or non-duty status**. Such employees are reviewed annually by a duly constituted Performance Board.
- * Performance Boards do not review the following classes of employees:
 - a) Non-career FS employees, including those appointed under Sections 631 (b) or (c) of the Foreign Service Act, Foreign Service Nationals (FSNs), and Personal Service Contractors (PSCs);
 - * **b) Resident Hire employees;**
 - c) Career and career candidate employees who have been recommended for separation by the DAA/M/HR;
 - * d) FS employees (FS-01 and below) who have been granted temporary extensions of their career appointments under section 607(d) (2) of the Foreign Service Act of 1980, as amended; **(See Mandatory Reference, Section 607 (d)(2) of the Foreign Service Act, as amended)**
 - * e) SFS employees who have been granted temporary extensions shall not be reviewed by Performance Boards for promotion or limited career extensions, but shall be reviewed for salary level adjustments and performance pay;
 - * **f) FS employees who retire, resign, or die prior to the date the Performance Boards are convened;**
 - * **g) FS employees who plan to retire or resign by the end of the calendar year in which the Board is meeting, provided they have not received two "C" rankings within a five year period and have**

submitted a request to the DAA/M/HR requesting that an Annual Evaluation Form (AEF) not be prepared for the rating cycle ending during that calendar year; and

- * h) **FS employees whose Time-In-Class (TIC) expires prior to the date the Performance Boards are convened.**

E463.5.1 Foreign Service Performance Boards - Coverage - N/A

463.5.2 COMPOSITION OF THE PERFORMANCE BOARDS AND THE PERFORMANCE STANDARDS BOARD

- * USAID's FS **Performance** Boards and the Performance Standards Board are composed primarily of career Foreign Service employees. Composition is as follows:

- a) **Senior Foreign Service Consolidated Performance Board (C/Board)**

- * 1. **One** USAID career SFS officer at or above the level of those under review or a career SFS employee from another foreign affairs agency.
- * 2. **One** retired USAID career SFS employee or equivalent **from another foreign affairs agency.**
- * 3. **One** public member.
- * 4. At the option of the DAA/M/HR, one additional member from **category** 1 or 2 above.

- b) **FS Senior Threshold Board (FS-01s)**

- * 1. **One FE-Minister Counselor (MC) or FE-Career Minister (CM) USAID career employee.**
- * 2. **Two** USAID FS career employees at the FE-Counselor (OC) level or above.
- 3. One public member.

- * c) **Other FS Performance Boards (FS-02 and below)**

- * 1. **Three** USAID FS career employees at least one personal grade higher than the highest grade evaluated.

2. One public member.

* **d) FS Performance Standards Board**

- * 1. One FE-MC or FE-CM USAID career employee.
- * 2. Two FE-OC or higher USAID career employee.
- * 3. One public member.

E463.5.2 Composition of the Performance Boards and the Performance Standards Board

- * The Chairperson of all Performance Boards and the Performance Standards Board shall be the senior-level USAID career employee. To the extent possible, Boards will include minorities and women.

463.5.3 ORGANIZATION OF PERFORMANCE BOARDS AND THE PERFORMANCE STANDARDS BOARD

- * Performance Boards are organized by grade level and backstop. The Performance Standards Board reviews the Performance Evaluation Files of employees regardless of grade level or backstop.

E463.5.3 Organization of Performance Boards and the Performance Standards Board

- * a) The Consolidated Senior Foreign Service Board (C/Board) evaluates employees in the Career Minister, Minister-Counselor, and the Counselor classes.
- b) The Senior Threshold Board evaluates employees in class FS-01.
- c) Cluster Boards evaluate Mid-level and Junior officers in classes FS-02 and below, as follows.

PROGRAM DIRECTION AND DEVELOPMENT BOARD

- * Backstop 01 - Mission Directors and Executive Level **Positions**
Backstop 02 - Program Analysis
Backstop 85 - Legal
Backstop 94 - Project Development

PROGRAM OPERATIONS AND MANAGEMENT BOARD

- Backstop 10 - Agriculture
Backstop 11 - Economics
Backstop 12 - Program Management

- Backstop 14 - Rural Development
- Backstop 15 - Food for Peace
- * **[Removed term: Backstop 20 - Housing, Urban, and Community Development (Subsumed in Backstop-40)]**
- Backstop 21 - Business, Industry, and Private Enterprise
- Backstop 25 - Engineering
- * **[Removed term: Backstop 30 - Natural Resources and Energy Management (Subsumed in Backstop-40)]**
- Backstop 40 - Environment **(includes Housing, Urban Community Development, Natural Resources and Energy positions, formerly Backstop-20 and Backstop-30 duties)**
- Backstop 50 - Health Science, Medical, and Population
- Backstop 60 - Human Resources, Education, and Participant Training
- Backstop 72 - Social Services
- Backstop 75 - Physical and Social Science

PROGRAM SUPPORT BOARD

- Backstop 03 - Administrative Management, Executive Officers
- Backstop 04 - Financial Management
- Backstop 06 - General Services
- Backstop 92 - Commodity Management
- Backstop 93 - Contract Management
- Backstop 05 - Secretarial Support
- Backstop 07 - Administrative Support

d) Inspector General Board evaluates employees assigned in Backstop 08 – Audit and Inspections.

- * **e) The Performance Standards Board evaluates employees referred by the C/Board, the Senior Threshold Board, and the Cluster Boards.**

463.5.4 PROMOTION ELIGIBILITY REQUIREMENTS

- * **Foreign Service and Senior Foreign Service career and career candidates must meet eligibility requirements established for their class in order to be promoted.**
- * **Promotion eligibility requirements shall apply immediately to FS employees with appointments made on or after September 1, 1999. Promotion eligibility requirements to the next higher grade shall not apply to FS employees with appointments before September 1, 1999, while in their current grade, with the exception of employees at Class**

FS-01 who must have been in grade one or more years, have applied for promotion into the Senior Foreign Service and have served six years or more overseas as a USAID direct-hire. Promotion eligibility requirements begin to apply to all other FS employees with appointments before September 1, 1999, upon promotion to the next higher grade.

- * Promotion eligibility requirements must be met by March 31st of the rating cycle in which the Performance Boards are convened.**

Overseas service as a former career Foreign Service employee shall count towards the direct-hire overseas service requirement established in ADS E463.5.4. Overseas service as a non-career Foreign Service employee shall count towards the direct-hire overseas service requirement established in ADS E463.5.4, if appointed as a career candidate without a break in service.

- * Performance Boards shall review the Performance Evaluation Files of all employees for competitive ranking regardless of an employee's promotion eligibility.**

E463.5.4 Promotion Eligibility Requirements

- * Promotions to the next higher level shall be made only if the FS or SFS employee has met all eligibility requirements for promotion, as follows:**

- a) For promotions into the SFS**

- 1. One year at Class FS-01**
 - 2. Eight years of USAID direct-hire experience overseas**
 - 3. Formal application for consideration for promotion into the Senior Foreign Service (See [Mandatory Reference ADS 422](#))**

- b) For promotion to Class FS-01**

- Four years of USAID direct-hire experience overseas**

- c) For promotion to Class FS-02**

- Four years of USAID direct-hire experience overseas**

d) For promotion to Class FS-03

None

e) For promotion to Class FS-04

None

Direct-hire overseas experience is cumulative.

463.5.5 PERFORMANCE BOARDS' EVALUATION CONSIDERATIONS

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Performance Boards are convened annually to **accomplish the following:**

- Evaluate the performance of eligible Foreign Service (FS) and Senior Foreign Service (SFS) employees;
- Rank order those employees they judge qualified for promotion, performance awards, and limited career extensions; and
- Refer employees **whose performance appears not to meet the standards of their class to the Performance Standards Board.** If an employee is referred to a Performance Standards Board, the Performance Standards Board will determine whether the employee has met the standards of the class.

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The **Performance** and Performance Standard Boards shall review the Performance Evaluation Files of career and career candidate employees.

E463.5.5 Performance Boards' Evaluation Considerations

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Career and Career Candidate employees are assigned by **Performance** Boards and, as appropriate, the Performance Standards Board into one of the following three categories:

- a) Category A: **Employee's performance demonstrates potential to meet the standards of the class at the next higher level and employee is recommended for promotion;**
- b) Category B: **Employee's performance is meeting the standards of the class; and**
- c) Category C: **Employee's performance is not meeting the standards of the class.**

- * **Performance** Boards shall prepare **Ranking Reports on** employees ranked "A" and "B" and may provide advice on how to improve their competitiveness. **The Performance Board shall prepare referral memoranda to the PSB on employees who may not have met the standards of the class, noting the reasons for the referral.**

Employees who do not have a current Annual Evaluation Form shall be determined to have met the standards of their class .

E463.5.5a Promotion Consideration and Recommendation

- * **Performance** Boards shall consider for promotion those career or career candidate employees whose performance over the last **six rating cycles, including the current cycle**, demonstrates the potential to meet the standards of the class at the next higher level.
- * **Performance** Boards shall identify employees for promotion without regard to the number of promotion opportunities set by management, or whether an employee is ineligible for promotion. After this determination has been made, **Performance** Boards are to develop a preliminary rank ordered "A" list and provide a copy to the DAA/M/HR who shall provide the Boards, by class, with the "A" lists from the previous three **Performance** Boards. The **Performance** Boards shall then have the opportunity to adjust the rank order of employees recommended for promotion. No employee shall be removed from or added to the preliminary rank ordered "A" list.
- * **The DAA/M/HR will review the findings and recommendations of the Boards to determine whether they were made in accordance with the Precepts and these regulations. If questions of procedure or conformity with Precepts and these regulations arise, any list or name may be returned for reconsideration by the Performance Board. If part of a list is returned, the Board may review the names returned or, at its discretion, the entire list.**
- * **The Performance Boards' "A" lists shall be reviewed by:**
 - * 1. The DAA/M/HR, the Office of Equal Opportunity Programs, the exclusive representative (AFSA), the Assistant Administrator for Management (AA/M) and, as appropriate, the Administrator (A/AID) before promotion decisions are finalized.
 - * 2. The Office of Security and the Office of Investigations, who will certify that an employee who was reached for promotion is not under investigation, engaged in a

proceeding, or is the subject of disciplinary action involving loyalty, security, misconduct, or malfeasance.

Promotions shall be made into and within the SFS and the various FS occupational clusters and classes based on an employee's eligibility for promotion, the Performance Board's rank order list, and the number of promotions authorized by USAID Management.

The DAA/M/HR may put aside a decision of a Board if there are extenuating circumstances that the Board did not have access to during its deliberations.

No employee named on the promotion list shall be deferred or denied promotion, and no employee's name shall be added to the final promotion list and granted promotion except under the following circumstances:

- 1) The employee is ineligible for promotion according to the promotion requirements set forth in this chapter;**
- 2) The employee's promotion will be deferred if the employee is the subject of an investigation, proceeding, or discipline involving loyalty, security, misconduct or malfeasance. The employee whose promotion is deferred shall be notified, in writing of the reasons, if not inimical to the investigation or proceedings. After favorable termination of the investigation, proceeding, or disciplinary action, the DAA/M/HR shall approve the promotion retroactive to the date that others on the list were promoted. If the results are unfavorable, the employee's promotion will be denied and the employee next in the rank order will be promoted.**
- 3) The employee's promotion will be denied if the employee retires, resigns, is terminated, or dies prior to the date the Agency and the exclusive representative meet to determine the number of promotions that will be made and who on the promotion list will be promoted.**
- 4) The employee will be promoted regardless of inclusion or placement on the promotion list if the employee's promotion is made pursuant to a recommendation of the Foreign Service Grievance Board, an equal employment opportunity appeals examiner, or the Special Counsel of the Merit Systems Protection Board, in accordance with Section 606 of the Foreign Service Act of 1980, as amended. (See Mandatory Reference, Section 606 of the Foreign Service Act of 1980, as amended)**

E463.5.5b Performance Pay and Presidential Rank Awards for SFS

- * The C/Board may recommend two types of performance pay awards for the Senior Foreign Service within the limits determined by the DAA/M/HR. The **Performance Award** is conferred by the Agency and is based on performance during the most recent rating period. The **Presidential Rank Award** is conferred by the President based on recommendations of an Interagency Performance Board, which reviews employees nominated by the foreign affairs agencies. Boards shall be guided by the Mandatory Reference **Precepts for Performance Pay and Awards and ADS 422, Personnel Operations: Senior Foreign Service. (See Mandatory References, Section 405 of the Foreign Service Act of 1980, as amended, Precepts for Performance Pay and Presidential Rank Awards and ADS 422)**

E463.5.5c Referral to the Performance Standards Board

- * **Performance Boards shall identify employees whose performance appears not to meet the standards of the class and shall by memoranda refer such employees to the Performance Standards Board. A Performance Board's referral shall be based on the current evaluation only, which may evidence that the employee may not have met the standards of his/her class. Performance Boards shall cite an employee's failure to meet the skill standards of the class or failure to complete a work objective as the reason(s) for the referral, and provide an example(s) to support the reason(s).**

E463.5.5d Limited Career Extensions (LCEs)

- * **The C/Board shall consider LCEs for career employees of the Senior Foreign Service who will reach their maximum Time-in-Class (TIC) the following year, applying the criteria and procedures set forth in the Precepts for Limited Career Extensions. (See Section 607 (b) (2) of the Foreign Service Act of 1980, as amended)**

E463.5.5e Within-Class Increases

- * **The next scheduled within-class increase of a FS or SFS career or **career candidate** employee shall be granted if the employee meets the standards of his/her class. (See Mandatory Reference, Section 406 of the Foreign Service Act of 1980, as amended)**

E463.5.5f Tenure Consideration

* Career candidates found by a Performance Board to be meeting the standards of their class and who have received past rankings from Performance Boards of "B" or better will be considered for tenure into USAID's career Foreign Service by the Chief, M/HR/POD, or the Chief, M/HR/EM, if the career candidates have also met the eligibility requirements for tenure. (See Section 306 of the Foreign Service Act of 1980, as amended)

* For tenure to be offered, there must be a continuing need for a career candidate's services and he or she must meet the following criteria:

1) The employee has been a career candidate in the USAID FS for at least three years. This requirement must have been met by the end of the rating cycle for which the Performance Boards are convened.

2) The employee has served in overseas assignments for at least 24 months. This requirement must have been met by the end of the rating cycle. Temporary Duty (TDY) for continuous and consecutive periods of at least six months or more may be counted towards the two-year overseas requirement if the work performed is directly related to the employee's occupational specialty.

3) The employee possesses a Foreign Service Institute-(FSI-) tested foreign language proficiency rating of S-3/R-3 in French, Spanish, or Portuguese or S-2/R-1 in all other languages qualifying for USAID tenure. Auditors and Investigators (BS-08), Clerical, Administrative, and Secretarial positions (BS-05 and 07) are excluded from this requirement.

4) The employee has met security clearance requirements, been medically cleared for worldwide service, and has certified that he or she is available for worldwide service.

463.5.6 PERFORMANCE BOARD OPERATIONS AND MATERIALS

* Performance Boards must strictly follow the provisions of Mandatory Reference, Precepts for Foreign Service **Performance** Boards, when assessing an employee's performance. (See Mandatory Reference Precepts for Foreign Service Performance Boards)

E463.5.6 Performance Board Operations and Materials

- * **Performance** Boards will base their determinations on their consideration of the employee's **Performance** Evaluation File and **the Precepts for Foreign Service Performance Boards**.

E463.5.6a Recusals

- * **Performance** Board members who rated, reviewed, or served as a member of an Appraisal Committee convened to review the performance of the employee, while the employee was in his or her present class, shall not participate in **Performance** Board deliberations when the employee's **Performance** Evaluation File is reviewed by the **Performance** Board. C/Board members who within the last three years rated or served as an Appraisal Committee member convened to review the performance of the employee, shall recuse himself or herself and not participate in C/Board deliberations concerning the employee's **performance, ranking, and recommendations for awards**.

E463.5.6b Performance Board Material

- * M/HR/LERPM shall provide **Performance** Boards briefing and other materials to carry out their responsibilities, as follows:
 - 1) ADS 462 Employee Evaluation Program (**See Mandatory Reference, ADS 462**);
 - 2) Employee Evaluation Program (EEP) Guidebook;
 - 3) ADS 463, Foreign Service Boards;
 - 4) Mandatory Reference for ADS 463, Precepts for Foreign Service Performance Boards (**See Mandatory Reference, Precepts for Foreign Service Performance Boards**) ;
 - 5) ADS 422, Senior Foreign Service (**See Mandatory Reference, ADS 422**);
 - 6) Precepts for Limited Career Extensions;
 - 7) The Foreign Service Act of 1980, as amended (**See Mandatory Reference, Foreign Service Act of 1980, as amended**);
 - 8) A listing of employees to be reviewed;
 - 9) The **PEF** on each employee being reviewed;
 - 10) A current language proficiency listing;

- 11) After tentative "A" lists are developed by the **Performance** Board, the past three years of "A" lists are provided to the appropriate **Performance** Board;
- 12) A current locator listing;
- 13) A current staffing pattern; and
- 14) A dictionary.

E463.5.6c Information to Be Considered

- * 1) **Performance** Boards shall make ranking decisions based only on material contained in employees' **PEFs**.
- * 2) **Performance** Boards shall ignore any information in the file that is inadmissible. **(See Mandatory Reference Precepts for Foreign Service Performance Boards)** Such information shall not be the basis for the Board's recommendation concerning an employee.
- * 3) **Performance** Boards shall not consider an employee's medical problem or any personal or physical characteristics unless Rating Officials or Appraisal Committee members describe how performance or potential is being affected.
- * 4) **Performance** Boards shall neither seek nor receive, from any source, any information on, for example, health, suitability, assignability, or reputation of any employee under consideration. If any unauthorized communications of this nature comes to the attention of a Board member, the Board member shall report this in writing to the DAA/M/HR.
- * 5) **If a Board member believes that there is information not in an employee's PEF which might be relevant to the Board's discussion of an employee, the Board member must first discuss the matter with the DAA/M/HR to determine whether the information is relevant. If it is determined that the information is not relevant, the Board member may not discuss the information. If the information is determined to be relevant, then the information must be shared with the employee. The Board shall continue its review of the employee after the employee has had the opportunity to respond to the information.**
 - a. The Board must submit to M/HR/LERPM a signed memorandum transmitting the information it plans to consider.

b. The information shall be sent to the employee under review by the fastest means possible. **M/HR/LERPM** shall make every attempt to contact the employee by telephone, by e-mail as well as by use of cable, if overseas. The employee shall be given a reasonable time to respond to the information based on the timing and nature of the information and employee's location. The employee shall also be asked to verify receipt of the information.

c. When the employee responds, **M/HR/LERPM** and the Board must sign a statement indicating the date when the information was delivered to the employee and the time allotted for response. The Board must consider the employee's response in its deliberations. If the employee does not respond having been given ample opportunity to do so, the Board shall decide whether the information would make a material difference in their recommendations, and if so, write a statement for the record of the disposition of the information.

d. Additional information obtained under this process and approved for consideration shall be kept as part of the Board finding folder and not in the **PEF** of the employee.

E463.5.6d Commendable Letters

- * **Performance Boards may issue commendable letters to Rating Officials and Appraisal Committee members who merit commendation for the quality of the evaluations written by them during the current rating cycle.**

E463.5.6e Critical and Advisory Letters

- * **Performance Boards may issue critical or advisory letters to Rating Officials and Appraisal Committee members when the Boards determine that they failed to fulfill their responsibilities concerning employees they rated for the current rating cycle. Critical letters shall be placed in the Rating Official's or Appraisal Committee member's Performance Evaluation File for two years. Advisory letters are not placed in PEFs. The DAA/M/HR shall also decide whether to deny and/or reduce any award or bonus to an employee receiving a critical letter.**
- * **Rating Officials and Appraisal Committee members have 30 days from date of receipt of the letter to request reconsideration of the action.**

463.5.7 PERFORMANCE BOARD FINDINGS AND RECOMMENDATIONS

- * **Performance** Board findings shall be provided to the DAA/M/HR by way of a Board Memorandum signed by each board member.

E463.5.7 Performance Board Findings and Recommendations

- * a) Unless instructed otherwise by the DAA/M/HR, all **Performance** Boards shall prepare the following reports by class:
 1. All **Performance** Boards shall prepare a rank order list of employees who are ranked "A."
 2. All **Performance** Boards shall prepare an alphabetical list of employees who are ranked "B."
 3. **As appropriate, all Performance Boards shall prepare referral memoranda to the Performance Standards Board.**
 4. **The C/Board shall prepare a list of career employees who will reach their maximum TIC the following year and are being recommended for Limited-Career Extensions.**
 5. **The C/Board shall prepare a list of career employees who are being recommended for performance pay.**
 6. **The C/Board shall prepare a list of career employees who are being recommended for Presidential Rank Awards.**
- * b) Boards may prepare the following recommendations, as directed by the DAA/M/HR:
 1. **Recommendations concerning the assignment, training, counseling or other personnel considerations with respect to any employee or group of employees reviewed.**
 2. **Recommendations concerning policies and procedures for subsequent Boards and improvements to the performance evaluation system.**

463.5.8 LATE SUBMISSION OF EVALUATION DOCUMENTATION TO M/HR

- * If an evaluation is submitted late without adequate justification, **M/HR/LERPM** shall notify the DAA/M/HR who may prepare a critical letter for placement in the Rating Official's **Performance** Evaluation File for two years, and/or deny or reduce any award or bonus, if such action is deemed warranted.

E463.5.8 Late Submission of Evaluation Documentation to M/HR

- * Guidance cables and USAID notices are sent out in advance of the end of the each rating cycle. Raters, Appraisal Committees (ACs) and employees are informed of due dates and certification procedures. ACs are responsible for ensuring the timely preparation and submission of AEFs.

All AEFs submitted late must include a statement outlining the reasons for the lateness. These statements will be reviewed by M/HR/LERPM to determine whether delays have been adequately explained. If it is determined the delay was justified, no further action will be taken. If it is determined that the delay was not justified, M/HR/LERPM will refer the matter to the DAA/M/HR who will decide what action should be taken. Any action decided shall be taken in accordance with established procedures and requirements governing such actions. (See 463.5.6e)

463.5.9 OATH OF OFFICE - PERFORMANCE BOARDS

- * **When Performance Boards are convened but prior to the beginning of their deliberations**, each Board member must **sign** the following oath of office and adhere to the precepts and procedures in this ADS chapter.

"I, _____, do solemnly swear (or affirm) that I shall, without prejudice or partiality, perform faithfully and to the best of my ability, the duties as a member of the _____ USAID Foreign Service **Performance** Board; that I shall preserve the confidential character of the personnel records used by the Board; that I shall adhere to the Precepts for Employee Evaluation and other such guidance as appropriate for the discharge of these duties; and that I shall not reveal to any unauthorized person information concerning the deliberations, findings, and recommendations of the Board [so help me God],"

Failure to observe these instructions may result in disciplinary action or penalties as prescribed by the Privacy Act. Board members must report to the DAA/M/HR any attempt to provide **them** information not authorized by the precepts.

E463.5.9 Oath of Office - Performance Boards - N/A

463.5.10 FOREIGN SERVICE PERFORMANCE STANDARDS BOARD COVERAGE

The policies and procedures in this chapter apply to Foreign Service employees who have received career or career candidate appointments under Sections 302 (a), 303, or 305, of the Foreign Service Act of 1980, as amended. The policies and procedures cover employees referred by **Performance** Boards because their performance may not have met the standards of their class. Employees who were not reviewed by a **Performance** Board shall not be reviewed by the Performance Standards Board (PSB).

E463.5.10 Foreign Service Performance Standards Board - Coverage - N/A

[Removed former sections 463.5.11 and E4673.5.1, Composition of the Performance Standards Board]

463.5.11 PERFORMANCE STANDARDS BOARD EVALUATION CONSIDERATIONS

The PSB is convened annually, as required, to evaluate the performance of Foreign Service (FS) and Senior Foreign Service (SFS) employees referred to it by Performance Boards to determine whether the employees have met the standards of their classes.

The PSB shall review the Performance Evaluation Files of career and career candidate employees.

E463.5.11 Performance Standards Board Evaluation Considerations

The PSB shall review the Performance Boards' referral memoranda and the Performance Evaluation File of each employee referred to it to determine whether the employee is meeting or not meeting the standards of the class.

The PSB shall determine whether the employee is meeting the skill standards of the class and the work objectives established in the evaluation.

At the conclusion of its review, the PSB shall prepare findings and ranking reports on each of the employees reviewed.

The PSB shall assign career and career candidate employees into one of the following two categories:

Category B: Employee's performance is meeting the standards of the class; or

Category C: Employee's performance is not meeting the standards of the class.

For those employees ranked "C," the PSB must provide statements on the ranking reports that provide the basis for its decision. These statements shall indicate the specific skill standards and/or work objectives that were not met. The PSB may also provide advice to "B" ranked employees regarding ways to improve their competitiveness.

463.5.12 PERFORMANCE STANDARDS BOARD OPERATIONS AND MATERIALS

- * **The PSB** must strictly follow the provisions of Mandatory Reference, Precepts for the **Performance** Standards Board, when assessing an employee's performance. **(See Mandatory Reference, Precepts for the Performance Standards Board)**

E463.5.12 Performance Standards Board Operations and Materials

The PSB shall base its determinations on its consideration of the employee's **Performance** Evaluation File and **the Precepts for the Performance Standards Board**.

E463.5.12a Recusals

- * PSB members who **within the last three years** rated or served as a member of an Appraisal Committee convened to review the performance of the employee will not participate in PSB deliberations when the employee's **Performance** Evaluation File is reviewed by the PSB.

E463.5.12b Performance Standards Board Material

- * **M/HR/LERPM** shall provide the PSB an oral briefing and written materials to enable Board members to carry out their responsibilities as follows:
 - 1) ADS 462 Employee Evaluation Program **(See Mandatory Reference, ADS 462)**;
 - 2) Employee Evaluation Program (EEP) Guidebook;
 - 3) ADS 463, Foreign Service Boards;
 - 4) **Mandatory Reference for ADS 463, Precepts for the Foreign Service Performance Standards Board (See Mandatory Reference Precepts for Foreign Service Performance Standards Board)**;

- 5) The Foreign Service Act of 1980, as amended (**See Mandatory Reference, Foreign Service Act of 1980, as amended**);
- 6) A list of employees to be reviewed;
- 7) The PEF on each employee to be reviewed;
- 8) A current language proficiency report;
- 9) A current locator report;
- 10) A current staffing pattern; and
- 11) A dictionary.

E463.5.12c Information to Be Considered

- * 1) Performance Standards Board shall make ranking decisions based only on material contained in employees' PEFs.
- * 2) Performance Standards Board shall ignore any information in the file that is inadmissible. (**See Mandatory Reference, Precepts for Foreign Service Performance Standards Board**) Such information shall not be the basis for the Board's recommendation concerning an employee.
- 3) Performance Standards Board shall not consider an employee's medical problem or any personal or physical characteristics unless Rating Officials or Appraisal Committee members describe how performance or potential is being affected.
- * 4) A Performance Standards Board shall neither seek nor receive, from any source, any information on, for example, health, suitability, assignability, or reputation of any employee under consideration. If any unauthorized communications of this nature comes to the attention of a Board member, the Board member shall report this in writing to the DAA/M/HR.
- * 5) **If a Board member believes that there is information not in an employee's PEF which might be relevant to the Board's discussion of an employee, the Board member must first discuss the matter with the DAA/M/HR to determine whether the information is relevant. If it is determined that the information is not relevant, the Board member may not discuss the information. If the information is determined to be relevant, then the information must be shared with the employee.**

The Board shall continue its review of the employee after the employee has had the opportunity to respond to the information.

- a. The Board must submit to **M/HR/LERPM** a signed memorandum transmitting the information it plans to consider.
- b. The information shall be sent to the employee under review by the fastest means possible. **M/HR/LERPM** shall make every attempt to contact the employee by telephone, by e-mail as well as by use of cable, if overseas. The employee shall be given a reasonable time to respond to the information based on the timing and nature of the information and employee's location. The employee shall also be asked to verify receipt of the information.
- c. When the employee responds, **M/HR/LERPM** and the Board must sign a statement indicating the date when the information was delivered to the employee and the time allotted for response. The Board must consider the employee's response in its deliberations. If the employee does not respond having been given ample opportunity to do so, the Board shall decide whether the information would make a material difference in their recommendations, and if so, write a statement for the record of the disposition of the information.
- d. Additional information obtained under this process and approved for consideration shall be kept as part of the Board finding folder and not in the **PEF** of the employee.

463.5.13 PERFORMANCE STANDARDS BOARD FINDINGS AND RECOMMENDATIONS

- * The Performance Standards Board shall submit its findings to the DAA/M/HR under cover of **a transmittal letter** signed by each board member.

E463.5.13 Performance Standards Board Findings and Recommendations

- *
 - a) Unless instructed otherwise by the DAA/M/HR, the PSB Board shall prepare the following reports by class:
 - 1. An alphabetical list of all employees identified as having met the standards of their class.
 - 2. An alphabetical list of employees identified as not having met the standards of their class.

3. A ranking report on each employee, and for those employees who did not meet the standards of the class, a statement on the report card which provides the basis for the recommendation. Supplemental sheets may be attached as needed.

463.5.14 DECISION RULE FOR EMPLOYEES NOT MEETING THE STANDARDS OF THEIR CLASS

- * FS and SFS career and career candidates shall be separated if they fail to meet the standards of their class unless such action would not be in the best interests of the Agency or is reversed through the appellate process. (See Mandatory References, Sections 306, 608 and 612 of the Foreign Service Act of 1980, as amended)

E463.5.14 Decision Rule for employees not meeting the standards of their class

- * a) **Decision Rule**

- 1) A career employee shall be separated from the Agency when three PSBs within a five-year period have determined that the employee is not meeting the standards of his or her class. The determinations by the three PSBs do not need to be consecutive. The five year period covers time when the employee is on duty and on non-duty status.

- * 2) A career candidate shall be separated from the Agency when one PSB has determined the candidate did not meet the standards of his or her class.

- * b) **Separation Date**

Career and Career Candidate employees shall be separated from the Service within six months from the date the DAA/M/HR receives the PSB list of employees who failed to meet the standards of the class, unless such action would not be in the best interests of the Agency or is reversed through the appellate process.

463.5.15 OATH OF OFFICE - PERFORMANCE STANDARDS BOARD

- * When the PSB is convened, but prior to the beginning of their deliberations, each Board member shall **sign** the following oath of office and adhere to the precepts and procedures **in this ADS chapter**:

"I, _____, do solemnly swear (or affirm) that I shall, without prejudice or partiality, perform faithfully and to the best of my ability, the duties as a member of the _____ USAID Performance Standards Board; that I shall preserve the confidential character of the personnel records used by the Board; that I shall adhere to the Precepts for Employee Evaluation and such other guidance as appropriate for the discharge of these duties; and that I shall not reveal to any unauthorized person information concerning the deliberations, findings, and recommendations of the Board [so help me God]."

- * Failure to observe these instructions may result in disciplinary action or penalties as prescribed by the Privacy Act. Board members must report to the DAA/M/HR any attempt to provide **them** information not authorized by the precepts.

E463.5.15 Oath of Office - Performance Standards Board - N/A

463.5.16 Appeals

When an employee is notified that he/she is being separated from the Agency, the employee may appeal the action to a Special Review Board (SRB) in accordance with the process outlined in the Supplementary Reference, Special Review Boards, or may file a grievance under 3 FAM 4400, but not both. An appeal to an SRB does not preclude a proceeding under 5 USC, Chapter 12. **(See Supplementary Reference, [Special Review Boards](#), and Mandatory References [3 FAM 4400](#))**

E463.5.16 Appeals - N/A

463.6 Supplementary Reference

Special Review Boards

463.7 Mandatory References

ADS Chapter 422, Personnel Operations: Senior Foreign Service

ADS Chapter 462, Employee Evaluation Program

3 FAM 4400

Foreign Service Act of 1980, as amended

Precepts for Foreign Service Performance Boards

Attachment A – Skills Matrix

Precepts for the Performance Standards Board

Attachment A – Skills Matrix

Precepts for Performance Pay and Presidential Rank Awards

Precepts for Limited Career Extensions

GLOSSARY FOR CHAPTER 463 FOREIGN SERVICE BOARDS

***Advisory Letter**

Advisory letters are issued to Rating Officials and Appraisal Committee members by Performance Boards when a current evaluation is deficient in some manner but the deficiency does not adversely affect the employee's competitive standing. These letters are not placed in an employee's Performance Evaluation File. (Chapter 463)

***Annual Evaluation Form (AEF)**

The form used to evaluate employees under the Employee Evaluation Program. Instructions and guidance on the preparation of the AEF are found in ADS 462, the Employee Evaluation Program Guidebook, and on the USAID Forms Website (Chapter 462 and 463)

Annual rating cycle

A one-year period that begins April 1 and ends March 31 of the following year. (Chapter 463)

Appraisal Committee

A committee composed of three to five mission/office officials, knowledgeable in the work of the unit, who will review and provide management input into employee evaluations. (Chapter 463)

***Critical Letter**

Critical letters are issued to Rating Officials and Appraisal Committee members by the Performance Boards when a current evaluation is so deficient that the Performance Board's ability to make confident judgments on the employee's competitive standing has been affected, disadvantaging the employee. Critical letters are placed in the Rating Official's and Appraisal Committee members' Performance Evaluation File for two years. (Chapter 463)

***Mandatory Retirement Based on Relative Performance**

When three Performance Standards Boards within a five year period find that a career employee has not met the standards of performance established for his/her class (Section 608, Foreign Service Act of 1980, as amended), the employee is involuntarily retired based on performance. (Chapter 463)

Performance awards

Cash payments based on an employee's Annual Evaluation Form for the current rating cycle. (Chapter 463)

***Skills Matrix**

A matrix of skills composed of 28 subskills for which performance standards have been established. (Chapter 463)

***Standards of the Class**

The determination that an employee is meeting the skills standards of the class established in the Skills Matrix and has met the work objectives established in the current Annual Evaluation Form. (Chapter 463)

***Tenure**

A process that changes a career candidate from limited or conditional to career status. (Chapter 463)

Within Class Increase

A periodic increase in an employee's rate of basic pay from one step of the class of his or her position to the next higher step of that class. (Chapter 463)

Work objectives

Specific professional expectations listed in a performance work plan for an employee established by management for a particular rating period. (Chapter 463)

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